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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/754,548	01/12/2004	Henry Peter Offer	8564-000034/US

CONFIRMATION NO. 9262

33727  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

FORMALITIES LETTER



\*OC000000013477001\*

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*[Signature]*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART - COPY TO BE RETURNED WITH RESPONSE



**MAIL STOP MISSING PARTS**  
PATENT  
126546-1

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Applicant:	Henry Peter Offer	Conf. No.:	9262
Appl. No.:	<b>10/754,548</b>	Group:	1725
Filed:	January 12, 2004	Examiner:	Unknown
For:	<b>APPARATUS AND METHOD FOR ELECTROFRICTION WELDING</b>		

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**THIS IS NOT A NEW PATENT APPLICATION**

**APPLICANT'S RESPONSE TO NOTICE TO FILE MISSING PARTS**

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 3, 2004

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application ("Notice") dated August 9, 2004, the Applicant submits:

1. The application papers for the above-identified application were originally filed on January 12, 2004, and the application was assigned Application No. 10/754,548.
2. As duly noted on the Patent Application Transmittal Letter, as filed the application papers included a newly executed and signed three-page Declaration and Power of Attorney ("Declaration"), a true copy of which is attached.
3. The application was, therefore, complete as delivered to the USPTO.
4. The Applicant has been advised and has confirmed via PAIR that the Image File Wrapper ("IFW") version of the application includes only the first two pages of the Declaration.

5. The Applicant respectfully contends, therefore, that at some point during the processing of the application papers by the USPTO or its contractors, the third page of the Declaration, *i.e.*, page 3 of 3, was separated from the remaining papers and/or not properly scanned into the IFW system.

6. The Applicant further contends that the missing signature page is therefore, the result of errors and/or omissions solely within the control of the USPTO or its agents and that the Notice is not justified by any act or omission of the Applicant.

7. The Applicant, therefore, contends that because a properly executed Declaration was filed on January 12, 2004, no late oath or declaration surcharge is warranted or due from the Applicant in connection with correction of this application file using the attached copy of the as filed Declaration.

8. The Applicant also contends that the solution suggested by the Customer Service Center of the Initial Patent Examination Division, *i.e.*, filing a petition seeking redress would unduly delay correction of the present application file and would also subject the Applicant to additional unwarranted fees.

9. The Applicant further notes that the present Notice does not recognize the IFW entry "Change in Power of Attorney" dated July 23, 2004, copy attached, which amended the Attorney Docket Number for this application.

10. The Applicant respectfully requests correction of the application file to reflect the timely filing of the Declaration and the Change in Power of Attorney and contends that NO FEE OR SURCHARGE is required or due for such corrections.

11. The undersigned hereby declares that "Attorney Docket No. GE 24NS126546/US on page 1 of the inventors' Declaration, filed on January 12, 2004, corresponds to Appl. No. 10/754,548, filed January 12, 2004, entitled "APPARATUS AND METHOD FOR ELECTROFRICTION WELDING."

12. Although the Applicant respectfully contends, as detailed above that no extension fee is required because the Applicant did file the complete application documents

within the allotted time given by the U.S. Patent and Trademark Office, if for some reason it is determined that an extension of time, surcharge or other fee is proper, Applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17 and, if necessary, authorizes the Commissioner in this, concurrent, and future replies, to charge any deficient fees or credit any overpayment to Deposit Account No. 08-0750 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, P.L.C.

By \_\_\_\_\_  
Gary D. Yacura, Reg. No. 35,416  
P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

GDY/GPB:ewd

Attachments: Copy of Executed Declaration Previously Filed on January 12, 2004  
Copy of Patent Application Transmittal Letter Filed on January 12, 2004  
Copy of Notice to File Missing Parts of Nonprovisional Application  
Letter Reporting Change In Attorney Docket Number Filed on July 23, 2004